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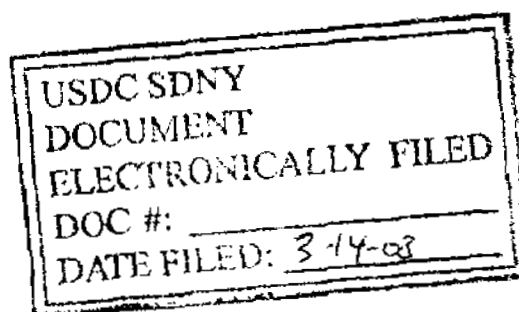
Attorneys for Defendant Merck & Co., Inc.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE:
Fosamax Products Liability Litigation

1:06-md-1789 (JFK)

This Document Relates to:
Lawrence Moyer, et al.
v. Merck & Co., Inc.
Case No: 1:07-cv-7987-JFK



STIPULATION AND ORDER OF DISMISSAL WITH PREJUDICE

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs in the above captioned case and Defendant Merck & Co., Inc., ("Merck") through their respective undersigned counsel, as follows:

1. This case having been resolved upon the agreement of the above named Plaintiffs to voluntarily dismiss with prejudice their claims against Merck in the above-captioned case and the agreement of Merck not to seek from Plaintiffs its fees and costs, the following Plaintiffs are hereby dismissed from the above captioned case with prejudice pursuant to Fed. R. Civ. P. 41(a)(1)(ii):

Lawrence Moyer
Lewis Maudsley

2. Each party is to bear its own costs and attorneys' fees.

BA23/6516

Dated: February ~~22~~, 2008

PHILLIPS & ASSOCIATES

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SO ORDERED: 

Hon. John F. Keenan

3/14/08